

By: Schaefer

H.B. No. 4749

Substitute the following for H.B. No. 4749:

By: Craddick

C.S.H.B. No. 4749

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Rose City Municipal Utility
3 District; granting a limited power of eminent domain; providing
4 authority to issue bonds; providing authority to impose assessments
5 and fees.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7958 to read as follows:

9 CHAPTER 7958. ROSE CITY MUNICIPAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7958.0101. DEFINITIONS. In this chapter:

12 (1) "Board" means the district's board of directors.

13 (2) "Commission" means the Texas Commission on
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Rose City Municipal Utility
17 District.

18 Sec. 7958.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7958.0103. CONFIRMATION AND DIRECTOR ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 7958.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7958.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7958.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8 (a) The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of a
10 municipal utility district as provided by general law and Section
11 59, Article XVI, Texas Constitution.

12 Sec. 7958.0106. INITIAL DISTRICT TERRITORY. (a) The
13 district is initially composed of the territory described by
14 Section 2 of the Act enacting this chapter.

15 (b) The boundaries and field notes contained in Section 2 of
16 the Act enacting this chapter form a closure. A mistake made in the
17 field notes or in copying the field notes in the legislative process
18 does not affect the district's:

19 (1) organization, existence, or validity;

20 (2) right to issue any type of bond for the purposes
21 for which the district is created or to pay the principal of and
22 interest on a bond;

23 (3) right to impose a tax; or

24 (4) legality or operation.

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 7958.0201. GOVERNING BODY; TERMS. (a) The district is
27 governed by a board of five elected directors.

1 (b) Except as provided by Section 7958.0202, directors
2 serve staggered four-year terms.

3 Sec. 7958.0202. TEMPORARY DIRECTORS. (a) The temporary
4 board consists of:

- 5 (1) Martin Heines;
- 6 (2) John Nix;
- 7 (3) Sam Mezayek;
- 8 (4) Darryl Bowdre; and
- 9 (5) Edward Broussard.

10 (b) Temporary directors serve until the earlier of:

11 (1) the date permanent directors are elected under
12 Section 7958.0103; or

13 (2) the fourth anniversary of the effective date of
14 the Act enacting this chapter.

15 (c) If permanent directors have not been elected under
16 Section 7958.0103 and the terms of the temporary directors have
17 expired, successor temporary directors shall be appointed or
18 reappointed as provided by Subsection (d) to serve terms that
19 expire on the earlier of:

20 (1) the date permanent directors are elected under
21 Section 7958.0103; or

22 (2) the fourth anniversary of the date of the
23 appointment or reappointment.

24 (d) If Subsection (c) applies, the owner or owners of a
25 majority of the assessed value of the real property in the district
26 may submit a petition to the commission requesting that the
27 commission appoint as successor temporary directors the five

1 persons named in the petition. The commission shall appoint as
2 successor temporary directors the five persons named in the
3 petition.

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 7958.0301. GENERAL POWERS AND DUTIES. The district
6 has the powers and duties necessary to accomplish the purposes for
7 which the district is created.

8 Sec. 7958.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
9 DUTIES. The district has the powers and duties provided by the
10 general law of this state, including Chapters 49 and 54, Water Code,
11 applicable to municipal utility districts created under Section 59,
12 Article XVI, Texas Constitution.

13 Sec. 7958.0303. COMPLIANCE WITH MUNICIPAL CONSENT
14 ORDINANCE OR RESOLUTION. The district shall comply with all
15 applicable requirements of any ordinance or resolution that is
16 adopted under Section 54.016 or 54.0165, Water Code, and that
17 consents to the creation of the district or to the inclusion of land
18 in the district.

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 7958.0401. ELECTIONS REGARDING BONDS. The district
21 may issue, without an election, bonds and other obligations secured
22 by revenue other than ad valorem taxes.

23 Sec. 7958.0402. PROHIBITION ON IMPOSITION OF TAXES. (a) The
24 district may not impose an ad valorem tax for any purpose.

25 (b) Section 49.107, Water Code, does not apply to the
26 district.

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 7958.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from impact fees, revenue, contract
5 payments, grants, or other district money, or any combination of
6 those sources, to pay for any authorized district purpose.

7 SECTION 2. The Rose City Municipal Utility District
8 initially includes all the territory contained in the following
9 area:

10 BEING a 21,118 acre tract of land situated in Smith County, Texas,
11 said 21,118 acre tract being more completely described by metes and
12 bounds as follows:

13 BEGINNING at the intersection of the centerline of State Highway
14 No. 155 with State Highway 57 (West Grande Boulevard);

15 THENCE Easterly with the centerline of West Grande Boulevard to its
16 intersection with F.M. 2493 (Old Jacksonville Highway);

17 THENCE Southwesterly with the centerline of F.M. 2493 (Old
18 Jacksonville Highway) to its intersection with Three Lakes Parkway;

19 THENCE Southeasterly with the centerline of Three Lakes Parkway to
20 its intersection with Dueling Oaks;

21 THENCE Easterly with the centerline of Dueling Oaks to its
22 intersection with Hollytree Drive;

23 THENCE Southwesterly with the centerline of Hollytree Drive to its
24 intersection with Maple Lane;

25 THENCE Southerly with the centerline of Maple Lane to its
26 intersection with West Cumberland Road;

27 THENCE Easterly with the centerline of West Cumberland Road to its

1 intersection with U.S. Highway 69 (South Broadway Ave.);
2 THENCE Southerly with the centerline of U.S. Highway 69 (South
3 Broadway Ave.) to its intersection with Loop 49;
4 THENCE Northeasterly with the centerline of Loop 49 to its
5 intersection with F.M. 756 (South Paluxy Drive);
6 THENCE Southeasterly with the centerline of F.M. 756 (South Paluxy
7 Drive) to its intersection with F.M. 346;
8 THENCE Southwesterly with the centerline of F.M. 346 to its
9 intersection with County Road 15;
10 THENCE Southerly with the centerline of County Road 15 to its
11 intersection with County Road 129;
12 THENCE Northeasterly with the centerline of County Road 129 to its
13 intersection with County Road 112;
14 THENCE with the centerline of County Road 112 to its intersection
15 with County Road 113;
16 THENCE with the centerline of County Road 113 to its intersection
17 with County Road 152;
18 THENCE Southwesterly with the centerline of County Road 152 to its
19 intersection with U.S. Highway No. 69;
20 THENCE Southeasterly with the centerline of U.S. Highway No. 69 to
21 its intersection with the South boundary line of Liberty Utilities
22 (Woodmark) CCN 20679 as shown by digital map on 3-08-2019 per the
23 Public Utility Commission of Texas website, same being on the East
24 boundary line of the City of Bullard, Texas, Sewer CCN 20903 as
25 shown by digital map on 3-08-2019 per the Public Utility Commission
26 of Texas website;
27 THENCE Southwesterly with said East boundary line of Bullard, Texas

1 CCN 20903 and South boundary line of Liberty Utilities (Woodmark)
2 CCN 20679 to its intersection with the centerline of F.M. 2493;
3 THENCE Northwesterly with the centerline of F.M. 2493 to an ell
4 corner in the West line of said CCN 20679;
5 THENCE West continuing with the West boundary line of said CCN 20679
6 to its intersection with the centerline of County Road 173 and being
7 the Westerly Southwest corner of said CCN 20679;
8 THENCE Northerly with the centerline of County Road 173 to its
9 intersection with the centerline of County Road 175;
10 THENCE Westerly with the centerline of County Road 175 to its
11 intersection with the centerline of F.M. 346;
12 THENCE Westerly with the centerline of F.M. 346 to its intersection
13 with the centerline of County Road 185 (Oak Hollow Road);
14 THENCE Westerly with the centerline of County Road 185 to its
15 intersection with the centerline of County Road 178 (Old Palestine
16 Highway);
17 THENCE Northeasterly with the centerline of County Road 178 (Old
18 Palestine Highway) to its intersection with the centerline of
19 County Road 168 (Saline Creek Road);
20 THENCE Northeasterly with the centerline of County Road 168 to its
21 intersection with the centerline of County Road 178 (Jonestown
22 Road);
23 THENCE North with the centerline of County Road 178 to its
24 intersection with the centerline of County Road 192 (Old Noonday
25 Road);
26 THENCE Northeasterly with the centerline of County Road 192 to its
27 intersection with the centerline of County Road 193 (Taylor Road);

1 THENCE Northwesterly with the centerline of County Road 193 to its
2 intersection with the centerline of State Highway No. 155;
3 THENCE Northeasterly with the centerline of State Highway No. 155
4 to the place of beginning containing 21,118 acres of land, plus or
5 minus.

6 SECTION 3. (a) The legal notice of the intention to
7 introduce this Act, setting forth the general substance of this
8 Act, has been published as provided by law, and the notice and a
9 copy of this Act have been furnished to all persons, agencies,
10 officials, or entities to which they are required to be furnished
11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
12 Government Code.

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor, the
18 lieutenant governor, and the speaker of the house of
19 representatives within the required time.

20 (d) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

24 SECTION 4. (a) If this Act does not receive a two-thirds
25 vote of all the members elected to each house, Subchapter C, Chapter
26 7958, Special District Local Laws Code, as added by Section 1 of
27 this Act, is amended by adding Section 7958.0304 to read as follows:

1 Sec. 7958.0304. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

3 (b) This section is not intended to be an expression of a
4 legislative interpretation of the requirements of Section 17(c),
5 Article I, Texas Constitution.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2019.